

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

R & D FILM 1, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:12CV1741 CDP
	)	
DOES 1-33,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Plaintiff R & D Film 1, LLC brings this suit against 33 Doe defendants, alleging copyright infringement. On October 3, 2012, I granted plaintiff's motion to take discovery prior to a Rule 26(f) conference and set forth deadlines for conducting that discovery. I set a deadline for the Doe defendants to object to the release of their identifying information from their Internet Service Providers (ISPs), and one defendant – Doe 14 – filed an objection. For the reasons that follow, I will deny Doe 14's motion.

The entirety of Doe 14's motion reads as follows: "I, Does 1-33, object to my information being disclosed. I do not want my information to be disclosed. I have a wireless network and feel this could have been done by someone else."<sup>1</sup>

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<sup>1</sup> Though Doe 14 identified himself as "Does 1-33" in the substance of his motion, he labeled his motion with "I.D. Number 14," thereby specifying his ID number for the court.

Liberally construing this pro se filing by Doe 14, I will interpret it as a motion to quash the subpoena and a motion to proceed anonymously.

As to Doe 14's request to proceed anonymously, he does not provide any rationale for seeking such relief. To the extent that he may be claiming that disclosure of his identifying information would constitute a violation of his privacy, such a claim would not be valid because he does not have a legitimate expectation of privacy to information that he voluntarily disclosed to his ISP. *See Achte/Neunte Boll Kino Beteiligungs GmbH & Co. v. Does 1-4*, 577, 736 F. Supp. 2d 212, 216 (D.D.C. 2010) (“[C]ourts have held that Internet subscribers do not have an expectation of privacy in their subscriber information as they already have conveyed such information to their Internet Service Providers.” (collecting cases)). Doe 14 does not provide any other basis for proceeding anonymously, even when his filing is liberally construed, and so I will deny his motion to proceed anonymously.


I will also liberally construe his filing as a motion to quash the subpoena. Doe 14's only substantive argument appears to be that he has a wireless network and feels that someone else could have downloaded the video. However, this argument essentially amounts “denial of liability,” which is “simply not relevant as to the validity or enforceability of a subpoena, but rather should be presented and contested once parties are brought properly into the suit.” *Hard Drive Prods. V.*

*Does I-48*, 2012 WL 2196038, at \*4 (N.D. Ill. June 14, 2012) (internal quotation marks and citations omitted). Thus, this argument may not provide him with relief at this stage of the litigation.

Doe 14 does not raise any facts supporting additional arguments to quash the subpoena or proceed anonymously, even when his pleading is liberally construed. Although the court must liberally construe pleadings by pro se parties, the court is not obligated to create arguments for such parties. As such, because plaintiff has not raised any valid arguments in his filing, I must deny his motion.

Accordingly,

**IT IS HEREBY ORDERED** that Doe 14's objection to release of information and motion to proceed anonymously [#11] is denied.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 13<sup>th</sup> day of February, 2013.